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COMMON PLEAS COURT
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**IN THE COMMON PLEAS COURT OF LUCAS COUNTY, OHIO
CIVIL DIVISION**

ASH ADAM
503 Adams St., Apt. 304
Toledo, Ohio 43604

Plaintiff,

v.

**COSTCO WHOLESALE
CORPORATION**
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, Ohio 43219

Defendant.

) Case No.:

) Judge:

) **COMPLAINT**

) **(Jury Demand Endorsed Hereon)**

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G-4801-CI-0202203105-000

**Judge
GARY G. COOK**

Now comes Plaintiff Ash Adam and hereby files this Complaint against Defendant Costco Wholesale Corporation for injuries and damages arising out of a slip and fall incident that occurred on or about September 1, 2020. In support of her claims, Plaintiff states as follows:

THE PARTIES

1. Plaintiff Ash Adam is an individual and a resident of Toledo, Lucas County, Ohio.

2. Upon information and belief, Defendant Costco Wholesale Corporation (“Costco”) is a business and/or other legal entity duly licensed and authorized to do business in the state of Ohio and has a business outlet located at 3405 Central Avenue, Toledo, Lucas County, Ohio 43606.
3. Upon information and belief, Defendant Costco is a business and/or other legal entity duly licensed and authorized to do business in the state of Ohio as Costco and is located at 3405 Central Avenue, Toledo, Lucas County, Ohio 43606.

JURISDICTION AND VENUE

4. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
5. This Court has jurisdiction over this matter pursuant to R.C. 2305.01.
6. Venue is proper in this Court pursuant to Civil Rules 3(B)(6) as all and or part of Plaintiff’s claims for relief arose within Lucas County, Ohio.
7. Pursuant to Civil Rule 8(A), Plaintiff states that she seeks a judgment in excess of Twenty-Five Thousand Dollars (\$25,000.00).

FACTUAL ALLEGATIONS

8. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
9. On or about September 1, 2020, Plaintiff Ash Adam was shopping at Costco with her son and went to pick up a large package of water bottles from one of the pallets that it was resting on. The pallets were wrapped in plastic and some of the plastic wrap had fallen onto the floor.

10. While grabbing the package of water, Plaintiff slipped on the plastic wrap and fell backwards to the ground, hitting her head. She lost consciousness.
11. At all relevant times, the plastic wrap on the floor was under the control of Defendant Costco and Defendant knew or should have known of the plastic wrap on the floor yet took no steps to correct the problem.
12. At all relevant times, Defendant Costco knew or should have known that people including the Plaintiff would be shopping in the area where the plastic wrap had fallen onto the floor.
13. At all relevant times, Defendant Costco knew or should have known that failing to pick up the plastic wrap that had fallen onto the floor, and/or failure to warn of the plastic wrap on the floor created an unreasonable risk of physical harm to those walking in the area, including Plaintiff.
14. Plaintiff sought medical treatment at St. Vincent Mercy Medical Center for evaluation after her post concussive symptoms persisted. She was diagnosed with a concussion with loss of consciousness and underwent an MRI of her brain for headaches that persisted. Additionally, she sought treatment for her neck and back.

FIRST CAUSE OF ACTION
(Negligence)

15. Plaintiff incorporates each preceding and succeeding paragraph as though fully rewritten herein.
16. Defendant Costco owed Plaintiff a duty to exercise ordinary care for her safety and protection, including a duty to keep the premises in reasonably safe condition, eliminate hazards, and warn her of dangers on their premises that Plaintiff could not reasonably be expected to discover for herself.

17. Defendants breached these duties by failing to pick up the plastic wrap and/or failing to warn passersby including Plaintiff of the plastic wrap that had fallen onto the floor.
18. As a direct and proximate result of the negligence of Defendant Costco, Plaintiff Ash Adam sustained serious personal injuries, including but not limited to a concussion with loss of consciousness and injuries to her neck and back. Plaintiff was required to undergo hospital and medical care, incurred hospital and medical care costs, and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff believes these injuries are permanent in nature and will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

SECOND CAUSE OF ACTION
(Recklessness/Wantonness)

19. Plaintiff incorporates each preceding and succeeding paragraph as though fully rewritten herein.
20. Defendant Costco owed Plaintiff a duty to refrain from willfully, wantonly, or recklessly causing injury.
21. Defendant breached these duties by failing to pick up the plastic wrap and/or failing to warn passersby including Plaintiff of the plastic wrap that had fallen onto the floor.
22. Defendant Costco knew or should have known that failing to pick up the plastic wrap and/or failing to warn passersby including Plaintiff of the plastic wrap that had fallen onto the floor was reckless and created an unreasonable risk of physical harm to those walking by, including Plaintiff, and that the risk of harm was substantially greater than that which would be necessary to make the conduct or omissions negligent.

23. Defendant Costco's conduct and omissions in failing to pick up the plastic wrap and/or failing to warn passersby including Plaintiff of the plastic wrap that had fallen onto the floor was wanton, demonstrating a complete failure to exercise any care whatsoever toward the Plaintiff under circumstances in which there was a great probability that harm would result, and Defendant knew or should have known of that great probability of harm.
24. As a direct and proximate result of the reckless and/or wanton acts and/or omissions of Defendant Costco, Plaintiff Ash Adam sustained serious personal injuries, including but not limited to a concussion with loss of consciousness and injuries to her neck and back. Plaintiff was required to undergo hospital and medical care, incurred hospital and medical care costs and incurred great pain, suffering, severe mental anguish, and emotional distress. Further, Plaintiff believes these injuries are permanent in nature and will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, severe mental anguish, and emotional distress.

WHEREFORE, Plaintiff prays for judgment against Defendant Costco in an amount exceeding Twenty-Five Thousand Dollars (\$25,000.00), together with interest, costs, reasonable attorney fees associated herewith, and such other and further relief as the Court may deem just.

Respectfully submitted,



Charles E. Boyk
Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues triable by right.

Respectfully submitted,



Charles E. Boyk
Attorney for Plaintiff

PRAECIPE

TO THE CLERK:

Please serve summons and Complaint upon Defendant by certified mail, return receipt requested, at the respective address listed on the caption.



Charles E. Boyk
Attorney for Plaintiff